

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a
non-profit Corporation,

Plaintiff(s),

v.

TOMRA PACIFIC INC., a
Corporation.

Defendant(s).

No. C10-0701 BZ

**ORDER SCHEDULING
COURT TRIAL AND
PRETRIAL MATTERS**

Following the Case Management Conference, **IT IS HEREBY
ORDERED** that the Case Management Statement is adopted, except
as expressly modified by this Order. It is further **ORDERED**
that:

1. DATES

Trial Date: **Monday, 4/9/2012, 8 days**

Pretrial Conference: **Tuesday, 3/20/2012, 4:00 p.m.**

Last Day to Hear Dispositive Motions: **Wednesday, 9/7/2011**

Last Day for Expert Discovery: **Friday, 7/29/2011**

Last Day for Rebuttal Expert Disclosure: **Friday, 7/22/2011**

1 Last Day for Expert Disclosure: **Friday, 7/15/2011**

2 Close of Non-expert Discovery: **Friday, 7/8/2011**

3 Status Conference: **Monday, 12/13/2010, 4:00 p.m.**

4 Last Day to Amend Pleadings: **Friday, 12/10/2010**

5 Initial Disclosures Due: **Tuesday, 6/15/2010**

6 2. DISCLOSURE AND DISCOVERY

7 The parties are reminded that a failure to voluntarily
8 disclose information pursuant to Federal Rule of Civil
9 Procedure 26(a) or to supplement disclosures or discovery
10 responses pursuant to Rule 26(e) may result in exclusionary
11 sanctions. Thirty days prior to the close of non-expert
12 discovery, lead counsel for each party shall serve and file a
13 certification that all supplementation has been completed.

14 In the event a discovery dispute arises, **lead counsel** for
15 each party shall meet in person or, if counsel are outside the
16 Bay Area, by telephone and make a good faith effort to resolve
17 their dispute. Exchanging letters or telephone messages about
18 the dispute is insufficient. The Court does not read
19 subsequent positioning letters; parties shall instead make a
20 contemporaneous record of their meeting using a tape recorder
21 or a court reporter.

22 In the event they cannot resolve their dispute, the
23 parties must participate in a telephone conference with the
24 Court **before** filing any discovery motions or other papers.
25 The party seeking discovery shall request a conference in a
26 letter filed electronically not exceeding two pages (with no
27 attachments) which briefly explains the nature of the action
28 and the issues in dispute. Other parties shall reply in

1 similar fashion within two days of receiving the letter
2 requesting the conference. The Court will contact the parties
3 to schedule the conference.

4 The parties' joint request to increase the number of
5 interrogatories to 50 is **GRANTED**.

6 3. MOTIONS

7 Consult Civil Local Rules 7-1 through 7-5 and this
8 Court's standing orders regarding motion practice. Motions
9 for **summary judgment** shall be accompanied by a statement of
10 the material facts not in dispute supported by citations to
11 admissible evidence. The parties shall file a joint statement
12 of undisputed facts where possible. If the parties are unable
13 to reach complete agreement after meeting and conferring, they
14 shall file a joint statement of the undisputed facts about
15 which they do agree. Any party may then file a separate
16 statement of the additional facts that the party contends are
17 undisputed. A party who without substantial justification
18 contends that a fact is in dispute is subject to sanctions.

19 In addition to **lodging** a Chambers copy of all papers, a
20 Chambers copy of all briefs shall be e-mailed in WordPerfect
21 or Word format to the following address:
22 bzpo@cand.uscourts.gov.

23 4. MEDIATION

24 By agreement of the parties, this matter has been
25 referred to the ADR Department for a Mediation to be conducted
26 **within 180 days**, if possible. The parties shall promptly
27 notify the Court whether the case is resolved at the
28 Mediation.

1 5. PRETRIAL CONFERENCE

2 Not less than thirty days prior to the date of the
3 pretrial conference, the parties shall meet and take all steps
4 necessary to fulfill the requirements of this Order.

5 Not less than twenty-one days prior to the pretrial
6 conference, the parties shall: (1) serve and file a joint
7 pretrial statement, containing the information listed in
8 **Attachment 1**, and a proposed pretrial order; (2) serve and
9 file trial briefs, Daubert motions, proposed findings of fact
10 and conclusions of law, and statements designating excerpts
11 from discovery that will be offered at trial (specifying the
12 witness and page and line references); (3) exchange exhibits,
13 agree on and number a joint set of exhibits and number
14 separately those exhibits to which the parties cannot agree;
15 (4) deliver all marked trial exhibits directly to the
16 courtroom clerk, Ms. Yiu; (5) deliver one extra set of all
17 marked exhibits directly to Chambers; and (6) submit all
18 exhibits in three-ring binders. Each exhibit shall be marked
19 with an exhibit label as contained in **Attachment 2**. The
20 exhibits shall also be separated with correctly marked side
21 tabs so that they are easy to find.

22 No party shall be permitted to call any witness or offer
23 any exhibit in its case in chief that is not disclosed at
24 pretrial, without leave of Court and for good cause.

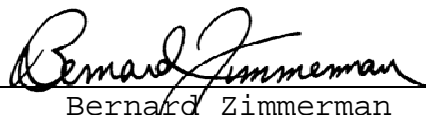
25 Lead trial counsel for each party shall meet and confer
26 in an effort to resolve all disputes regarding anticipated
27 testimony, witnesses and exhibits. All Daubert motions,
28 motions *in limine*, and objections will be heard at the

1 pretrial conference. Oppositions to any motions shall be
2 filed and served not less than **eleven days** prior to the
3 conference. There shall be no replies. Not less than **eleven**
4 **days** prior to the pretrial conference, the parties shall serve
5 and file any objections to witnesses or exhibits or to the
6 qualifications of an expert witness. Oppositions shall be
7 filed **five days** prior to the conference. There shall be no
8 replies.

9 A copy of all pretrial submissions, except for exhibits,
10 shall be e-mailed in WordPerfect or Word format to the
11 following address: bzpo@cand.uscourts.gov.

12 At the time of filing the original with the Clerk's
13 Office, two copies of all documents (but only one copy of the
14 exhibits) shall be delivered directly to Chambers (Room 15-
15 6688). Chambers' copies of all pretrial documents shall be
16 three-hole punched at the side, suitable for insertion into
17 standard, three-ring binders.

18 Dated: June 10, 2010

19 
20 _____
21 Bernard Zimmerman
22 United States Magistrate Judge
23
24
25
26
27
28

ATTACHMENT 1

The parties shall file a joint pretrial conference statement containing the following information:

(1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of each party's position on the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages.

(2) The Factual Basis of the Action.

(A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits.

(B) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.

(C) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

(D) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.

(3) Trial Preparation.

A brief description of the efforts the parties have

1 made to resolve disputes over anticipated testimony,
2 exhibits and witnesses.

3 (A) Witnesses to be Called. In
4 lieu of FRCP 26(a)(3)(A), a
5 list of all witnesses likely
6 to be called at trial, other
7 than solely for impeachment or
8 rebuttal, together with a
9 brief statement following each
10 name describing the substance
11 of the testimony to be given.

12 (B) Estimate of Trial Time. An
13 estimate of the number of
14 court days needed for the
15 presentation of each party's
16 case, indicating possible
17 reductions in time through
18 proposed stipulations, agreed
19 statements of facts, or
20 expedited means of presenting
21 testimony and exhibits.

22 (C) Use of Discovery Responses. In
23 lieu of FRCP 26(a)(3)(B), cite
24 possible presentation at trial
25 of evidence, other than solely
26 for impeachment or rebuttal,
27 through use of excerpts from
28 depositions, from
interrogatory answers, or from
responses to requests for
admission. Counsel shall
state any objections to use of
these materials and that
counsel has conferred
respecting such objections.

(D) Further Discovery or Motions.
A statement of all remaining
motions, including Daubert
motions.

23 **(4) Trial Alternatives and Options.**

24 (A) Settlement Discussion. A
25 statement summarizing the
26 status of settlement
27 negotiations and indicating
28 whether further negotiations
are likely to be productive.

(B) Amendments, Dismissals. A
statement of requested or

1 proposed amendments to
2 pleadings or dismissals of
parties, claims or defenses.

3 (C) Bifurcation, Separate Trial of
4 Issues. A statement of whether
bifurcation or a separate
5 trial of specific issues is
feasible and desired.

6 (5) **Miscellaneous.**

7 Any other subjects relevant to the trial of the action,
8 or material to its just, speedy and inexpensive
determination.

ATTACHMENT 2

USDC
Case No. CV10-00701 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
PLNTF Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
PLNTF Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
PLNTF Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
PLNTF Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
DEFT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
DEFT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
DEFT Exhibit No. _____

Date Entered _____

Signature _____

USDC
Case No. CV10-00701 BZ
DEFT Exhibit No. _____

Date Entered _____

Signature _____